

DATE: February 27, 2008
 LOCATION: Tyler
 JUDGE: Leonard Davis
 DEP. CLERK: Rosa L. Ferguson
 RPTR/ECRO: Shea Sloan
 USPO: Jimmy Wilkerson for Daisy Pridgen
 INTERPRETER:

CASE NO: 6:07-CR-57(1)

USA VS. MICHAEL LAYNE SMITH

Richard Moore - Assigned
 Richard Moore -Appeared

Ken Hawk
 Attorney for Defendant

BEGIN: 10:35 am

ADJOURN: 10:50 am

SENTENCING

- ☒ Sentencing called ☒ Sentencing held
☒ Court adopts PSR in its entirety

CT.	CUSTODY	Consec/ Concurr	W/ CT	FINE	REST	SUP / REL	Consec/ Concurr	W/ CT	SP/ASS	INELIG FED BEN.
1	84 Mos.			Waived		5 Years			\$100	5 Yrs

BOP RECOMMENDATIONS:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Dft be designated to FCI: Texarkana
<input type="checkbox"/> Dft participate in the Inmate Financial Responsibility Program.
<input type="checkbox"/> Dft participate in Intensive Confinement Center | <input checked="" type="checkbox"/> Dft participate in Drug Treatment Program.
<input type="checkbox"/> Dft participate in the 500-Hr Drug Treatment Program.
<input type="checkbox"/> Dft participate in Sexual Offender Program. |
|--|---|

SPECIAL CONDITIONS of RELEASE

X	Dft shall report in person to the probation office in the district to which the dft is released within 72 hours of release from BOP.		
X	Dft shall not commit another Federal, State or Local crime, shall comply with the standard conditions adopted by this Court and with the following additional conditions:		
X	Dft shall not possess a firearm or other destructive device.		Dft shall be surrendered to INS official for deportation proceeding.
	Dft shall pay any financial penalty that is imposed by this judgment and that remains unpaid at the commencement of SUP/REL.		
X	Dft shall provide the probation officer with access to any requested financial information .		
	Dft shall not incur new credit charges or open additional lines of credit without the approval of Probation Officer.		
X	Court orders mandatory drug test		Court finds drug test w/in 15 days of release unnecessary.
X	Dft shall participate in a Program of testing and treatment for <input checked="" type="checkbox"/> Drug Abuse		
	Dft shall perform _____ hours of community service as directed by probation officer.		Dft to pay delinquent Child Support .
	Dft shall be placed on home detention for a period of _____ months, to commence (immediately/immediately following release from imprisonment/on _____). Dft to follow conditions of Home Detention.		
X	Dft shall cooperate in the collection of DNA as directed by the Probation Officer.		
	Dft shall FORFEIT to the USA interest in property listed in Plea Agreement		
X	Dft REMANDED to the USM.		
	Dft ordered to surrender on :		USM
			Designated FCI
	Dft's bond <input type="checkbox"/> set <input type="checkbox"/> reduced to \$ _____ <input type="checkbox"/> cash <input type="checkbox"/> surety <input type="checkbox"/> 10% <input type="checkbox"/> PR <input type="checkbox"/> unsecured		
	Bond continued	in this case	other case # _____
	Dft failed to appear	Ord/Arrest Warrant	BND forfeited.
	REMAINING Counts dismissed on Govt's Motion		
X	Dft advised of right to appeal & court appointed counsel		
X	Presentence Report Sealed.		
X	Minutes filed	FILED: 2.27.2008 U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS DAVID J. MALAND, CLERK	
	Exhibit list filed		
	Witness list filed.		
	See reverse/attached for additional proceedings		

10:35 am	CASE CALLED. Mr. Moore announced ready for the Government. Mr. Hawk announced ready for the Defendant.
PRESENTENCE REPORT: Court inquired if Mr. Hawk and dft received a copy of PSR, have reviewed it, and have any objections. Mr. Hawk indicated that they had no objections to the PSR. Court inquired if the Govt had any objections. Mr. Moore indicated that the Govt did not have objections to the PSR. Court Adopts PSR in its entirety. Court finally accepts plea agreement in this case.	
CRIME VICTIM ALLOCUTION: Court inquired if there were any victims present in the courtroom. None present.	
MOTIONS: Mr. Moore presented Govt's 5K1 motion.	
ALLOCUTION BY DEFENDANT: Mr. Hawk addressed the Court on the Defendant's behalf. Dft DID allocute to the Court. Mr. Moore addressed the Court.	
IMPOSITION OF SENTENCE: Court imposed sentence. Court will recommend FCI Texarkana & Drug Treatment for Dft while incarcerated.	
APPEAL: Deft advised of right to appeal & court appointed counsel. REMAINING COUNTS: NONE FORFEITURE: Mr. Moore requested Final Order of Forfeiture and be made part of J&C. Court granted motion.	
CUSTODY: Dft REMANDED to USM.	
10:50 am	There being nothing further in this case, Court adjourned.